

CITY OF TEMPE REQUEST FOR COUNCIL ACTION

Council Meeting Date: 6/26/2014
Agenda Item: 6B2

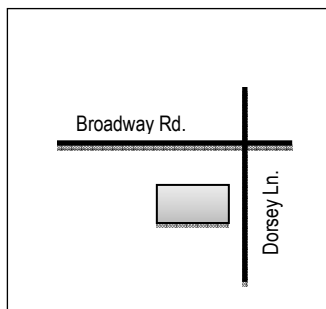
ACTION: Introduce and hold the first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay, consisting of a new 51 unit three-story condominium development for DORSEY LANE TOWNHOMES, located at 1233 East Broadway Road. The applicant is Sender Associates, Chtd. The second and final public hearing is scheduled for July 31, 2014. (Ordinance No. O2014.31)

FISCAL IMPACT: While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

RECOMMENDATION: Adopt Ordinance No. O2014.31
Staff – Approval, subject to conditions
Development Review Commission – Approval (7-0 vote)

BACKGROUND INFORMATION: DORSEY LANE TOWNHOMES (PL130438) Consisting of a new condominium development, on a site that received approvals for a previous townhome development with live-work units. The request includes the following:

PAD14002 Amended Planned Area Development Overlay to modified standards for density, rear yard setbacks, and vehicle parking.



Property Owner	Watt New Leaf Dorsey, LLC
Applicant	Darin Sender, Sender Associates, Chartered
Current Zoning District	PCC-2 (PAD)
Gross/Net site area	3.00 acres
Units/Density	51 Units / 17 du/ac (25 du/ac max. per Use Permit)
Unit Types	4 two-bedroom units, 21 three-bedroom units 26 four-bedroom units (avg. 3.4 bedrooms per unit)
Total Building area	117,386 sf.
Lot Coverage	30% (50% maximum allowed)
Building Height	36 ft. (40 ft. maximum allowed)
Building Setbacks	0' front, 0' side, 10' rear south (0, 0, 12' rear per PAD)
Landscape area	23% (15% minimum required)
Vehicle Parking	134 spaces (149 minimum required)
Bicycle Parking	Undetermined (60 minimum required)

ATTACHMENTS: Ordinance, Development Project File

STAFF CONTACT(S): Ryan Levesque, Senior Planner, (480) 858-2393

Department Director: Dave Nakagawara, Community Development Director
Legal review by: Teresa Voss, Assistant City Attorney
Prepared by: Ryan Levesque, Senior Planner

COMMENTS:

This site is located near the southwest corner of Broadway Road and Dorsey Lane. The subject site is a vacant lot. The remaining area in the complex consists of a 34,000 sf. office building, a Desert Schools Credit Union with drive through, and a two-story dental office just east of the subject site. Recently, a use permit granted to allow residential apartment complex with 192 units for The Standard on Broadway, located directly west of the subject site.

PREVIOUS ENTITLEMENTS

Back in 2006, a previous applicant received approvals for a 45 unit townhome project with 14 designated live/work units, 3-stories, a use permit to allow residential in the PCC-2 zoning district and tandem parking, as well as PAD for alternate building setbacks, and development plan review. Since the adoption of the Zoning and Development Code, it was the first project to request a use permit in the commercial zoning district since the Code was changed in 2005 to allow residential by means of revitalization of an existing center. The project never completed building permits and subsequently the development plan review and use permits expired. The only active entitlements for the site consist of the PAD which allowed relief in the commercial zoning setbacks, and subdivision plat designed for individual lots and common area.

After a few years of research and analysis of the prior development, New Leaf Communities acquired the property and is now bringing forward a revised project consisting of 51 residential condominium units, an Amendment to the existing PAD, and received approvals by the Development Review Commission for a use permit to allow residential and development plan review consisting of a three-story complex.

PUBLIC INPUT

A neighborhood meeting is required for a Major Amendments to an existing PAD. The applicant conducted a neighborhood meeting on May 8, 2014. In addition to the design team, there were three residents in attendance, representative from the neighboring apartment developer, as well as city staff. Relevant discussion points that were raised at the meeting consist of concern for cut through traffic into the neighborhood and liked that the project was gated. See attached summary of meeting provided by the applicant. At the conclusion of the neighborhood meeting and prior to completion of this report, staff has received no additional public input on the matter.

PROJECT ANALYSIS

The development consists of a 3 acre site surrounded by existing commercial and office buildings to the north, east and west. The project site is accessible through shared entry drives along Broadway Road or Dorsey Lane. The project property site does not have frontage along either street and will utilize the existing driveway roads in order to connect the project.

The proposed development received an approval by the Development Review Commission, June 10, 2014, for a Use Permit to allow Residential (up to 25 dwelling units per acre) in the PCC-2, Planned Commercial Center General District. A previous use permit was granted residential on this site back in 2006, consisting of 45 residential townhome development with live/work units. This project, originally proposed as for townhomes, units on individual lots, now is proposed as a condominium development. The condominium plat will establish ownership opportunity for the air space rights of the units.

Site Plan

The development contains 51 residential unit condominiums, all 3-stories in height. The ground floors of the units contain a two-car garage with either a bedroom or den with utility space. The second level of the units is designated for living, kitchen and dining space. The third level, depending on the unit type, consists of two or three additional bedroom units.

The primary entrance into the project is accessed from Dorsey Lane, with a gated keypad entrance. There are three additional emergency exits for fire access into the site, some of which are provided through cross access onto adjoining lots. The buildings consist of three, four and five unit buildings along the perimeter of the property. There are four interior buildings that surrounding a centralized amenity space. All units are primarily accessible by the garage entry along the private driveways. Along the opposite side of the building is pedestrian entrance into the building. General use parking is provided

throughout the site consisting of 32 spaces.

Building Elevations

The architecture of the building provides a modernistic design using projections and voids, along with complementary contrasting colors. The building consists of stucco texture surface. The primary building colors utilize earth tones of light beige and dark grays, along with muted yellow accent walls at the recessed areas. The balcony design also plays a big role in the building levels. The overall design and variety in the building lengths makes the project's building architecture fit in nicely to the site.

Landscape Plan

The landscape plan for the project will focus on access elements to the pedestrian walkway sides of the building with a combination of trees and ground covers. The garage entries also feature a small bulb-out to accommodate a narrow growing plant. Parking rows are accented with trees and shrubs. The landscape for the southern perimeter of the project, through conditions, will provide larger trees at the stage of planting and ensure adequate permeable space to continue the mature growth of the buffer trees next to the single family homes.

PLANNED AREA DEVELOPMENT OVELAY

The original Dorsey Crossing Townhomes PAD was approved by City Council back in 2006, the only active entitlement from the former project. That PAD, modified the PCC-2 commercial zoning setbacks for a 45 unit townhome development with live/work units. This application requests an Amended PAD consisting of a 51-unit condominium (multi-family) project. The standards below identifies similar standards requested from the previous project, except for a reduction in the previous rear yard building setback from 12' to 10' and the project not complying with the building height step-back adjacent to single-family. Below is a table identifying the existing PCC-2 zoning district standards, the previous PAD and its underlying modifications, and the proposed amendment to the PAD, highlighting the changes in standards noted in bold text.

DORSEY LANE TOWNHOMES – PAD Overlay				
Standard	PCC-2	EXISTING PCC-2 (PAD)	PROPOSED PCC-2 (PAD)	
Residential Density (on 3 acres)	25 du/ac (75 units max)	45 units	51 units	<i>change</i>
Building Height (feet) [Exceptions, see Section 4-205(A)]				
Building Height Maximum	40 ft.	40 ft.	36 ft.	
Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]	Yes	Yes	No	<i>change</i>
Maximum Lot Coverage (% of net site area)	50%	16.8%	30%	
Minimum Landscape Area (% of net site area)	15%	16.5%	23%	
Setbacks (feet) (a) [Exceptions, see Section 4-205(B)]				
Front	0'	0'	0'	
Parking	20'	-	-	
Side	30'	0'	0'	
Rear	30'	12'	10'	<i>change</i>
Street Side	0'	0'	0'	
Parking	20'	-	-	

The reduced rear yard setback along the southern property, proposed to be 10', is measured at approximately 11' from the rear property line. Behind the property is a 16' public alley, separating single-family detached homes. The previous PAD has a required 12' rear yard setback in order to also comply with the building height step-back adjacent to or separated by an alley from single-family. With the previous project at a building height of 40', the previous development was positioned 17' from the rear property line, in order to comply with a one-to-one step-back measurement. The new project proposes a closer setback and requests to not to adhere to the building height step-back. A stipulation was approved in the design submittal

that would address privacy buffering from the neighboring single-family homes near the property, requiring 48" box Sissoo trees in front of each back unit. Originally recommended by staff, in a proposed condition, was the removal of the third level balconies facing the single-family. That former condition has been deleted by the Development Review Commission.

The project has identified providing 134 parking spaces, as shown on the site plan. 51 two-car garages (totaling 102 spaces) and 32 surface parking spaces within the complex. As a condominium project, instead of townhomes, the required parking is reviewed based on the multi-family parking standards. The minimum required parking by the Code for this project is 149 parking spaces. Because this is a PAD request, the proposal can be looked at as a unique condition and how the property project should respond to the potential parking demands. Below is a comparison of the multi-family development parking requirements and the proposed reduction in spaces. For this exercise, the designated den areas are identified as bedrooms, as there is the potential for certain floor plans to be modified.

	Multi-Family parking	Provided Parking
4 two-bedroom units	8 spaces	8 spaces
21 three-bedroom units	52.5 spaces	42 spaces
26 four-bedroom units	78 spaces	52 spaces
Guest parking (52 units)	10.4 spaces	32 non-reserved
TOTAL PARKING:	149 spaces	134 spaces

The analysis identifies a shortfall of multi-family related parking requirements of (-15 spaces). The parking as distributed, provides a reserved two-car space within individual garages, while additional guest or non-reserved parking spaces for either the residents or guests have use of 32 additional spaces. The additional guest or non-reserved spaces could be utilized by residents that either have additional cars or have used their garage for storage purposes. Conceivably, with the site being located in a commercial center, there is also the potential for certain parking spaces outside of the development to be used. This could off-set the evening parking demand for any guests at the complex that are allowed to park in the unrestricted areas. Staff recommends approval of the proposed parking and layout. A condition is added the addresses the parking provided in this plan.

Section 6-305 D. Approval criteria for P.A.D.:

1. Identify and provide justification for the specific modifications to the general development standards.
2. Explains how the PAD overlay district accommodates, encourages, and promotes innovatively designed developments involving residential and/or non-residential land uses, which form an attractive and harmonious unit of the community.
3. Describe how the PAD overlay district is deemed appropriate or necessary, and traditional zoning regulations are replaced by performance considerations to fulfill the objectives of the General Plan.

Conclusion

Based on the information provided by the applicant and the above analysis, staff recommends approval of the requested Amended Planned Area Development Overlay. This request meets the required criteria and should conform to the conditions as proposed.

REASONS FOR APPROVAL

1. The project meets the General Plan Projected Land Use and the Residential Density allowed this site in the PCC-2 district.
2. The PAD overlay process was specifically created to allow for greater flexibility, such as alternate setbacks and parking, while providing a project that offers a unique application to project and surrounding area.
3. The use permit within the PCC-2 district was specifically created to revitalize existing centers while maintaining the existing commercial base, with a complementary land use.
4. The proposed project meets the approval criteria for a Planned Area Development Overlay.

PAD14002**CONDITIONS OF APPROVAL:**

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. A building permit application shall be made on or before July 31, 2016, or the PAD of the property may revert to the original underlying zoning. Any reversion is subject to a public hearing process as a zoning map amendment.
2. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than August 30, 2014 or the Planned Area Development Overlay approval shall be null and void.
3. The Planned Area Development Overlay for Dorsey Lane Townhomes shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.
4. The PAD setbacks for the development shall provide 0' setbacks on all sides, except for the southern-most property boundary shall provide a minimum 44 10'-0" rear yard building setback. (MODIFIED BY THE COMMISSION)
5. The parking identified in the PAD, shall provide 134 parking spaces, including 32 non-designated spaces, shall be provided based on the anticipated demand for the ratio of bedroom types. The development shall be limited to 4 two-bedroom units, 21 three-bedroom units, and 26 four-bedroom units, based on the potential of dens converted to bedrooms.

HISTORY & FACTS:

February 14, 2006	Planning and Zoning Commission approved the request by Dorsey Crossing Live/Work Townhomes for a Use Permit to allow forty-five (45) residential units, with a maximum of fourteen (14) live-work units, within the PCC-2, Planned Commercial Center General District; and a Use Permit to allow tandem parking. The Commission also recommended approval of the Planned Area Development Overlay for Dorsey Crossing, located at 1233 East Broadway Road.
March 23, 2006	City Council approved the request for Dorsey Crossing Live/Work Townhomes for a Planned Area Development Overlay, for a total of forty-five (45) new residential units (14 live-work units), located at 1233 East Broadway Road.
May 8, 2014	The applicant for Dorsey Lane Townhomes, this request, held a neighborhood meeting at the Pyle Adult Recreational Center, 655 East Southern Avenue from 5:30 to 6:30 pm.
June 10, 2014	Development Review Commission recommended approval of an Amended Planned Area Development Overlay, and approved a Use Permit to allow Residential and a Development Plan Review, consisting of a new 51 unit three-story townhome development for DORSEY LANE TOWNHOMES, located at 1233 East Broadway Road.
June 26, 2014	City Council introduction and first public hearing for the Amended Planned Area Development Overlay, for this request
July 31, 2014	City Council second and final public hearing for the Amended Planned Area Development Overlay, for this request

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-305, Planned Area Development (PAD) Overlay districts